

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
)
)
)
TONY NGUYEN)

Criminal No. 21-CR-10350-LTS

Sentencing Memorandum

Defendant Tony Nguyen submits this memorandum to assist the court in arriving at a reasonable and appropriate sentence. For the reasons set forth below, a sentence that does not exceed the statutory mandatory-minimum of 120 months is more than sufficient to achieve all statutory sentencing goals.

Argument

The mandatory-minimum sentence of 120 months is more than appropriate for these offenses committed by this individual.

Mr. Nguyen stands out from most defendants who face a ten-year mandatory-minimum sentence for controlled substance offenses. Those defendants, by and large, have made calculated decisions to earn a living selling drugs. They typically think only short term and are motivated solely by what is best for them, not others who depend on them. Few are in committed relationships, play an active role in the lives of their children, or provide adequate financial support. Not many are motivated to obtain a legitimate job or are capable of holding a job for any period of time.

Mr. Nguyen, by contrast, has worked legitimate jobs and cares and provides for his family. He is the sole wage for his wife and 3 year-old son. He has a steady employment history

from 2013 to the present. He has been working multiple jobs in order to do everything he can to provide for his family now and while he is incarcerated. *See* PSR at ¶¶ 61-66.

Unfortunately, he succumbed to the lure of extra money and displayed an uncharacteristic lapse of judgment by choosing to become involved in the offenses for which he now faces sentencing. That is what he has done. But it is not who he is.

The true Tony Nguyen is reflected in letters of support a number of persons who know him well have taken the time to provide for the court's consideration. The letters are attached as Exhibit One in the order in which they are cited herein.

The letter writers describe a selfless person who never hesitates to help others. Bryan Johansen writes that during a recent hospitalization, Mr. Nguyen "stepped in and without being asked, took my son in and treated him as his own. I was able to heal and recover because Tony loves my son as if he was his own. I felt safe and reassured because I trust Tony. And I trusted him with my own son's life. Not for once was I scared or in fear for my son because he had his Uncle Tony by his side." Ex. 1, Johansen letter.

Mr. Nguyen has also been active in charitable events organized by Mr. Johansen: "Tony has donated his time at multiple community events and has been an integral part in the success of these community engagement events, and has donated more than 40 combined hours of his time. These events would not have been a success without his time and efforts. We would not have been able to donate as much without his time and help." *Id.*

Bonnie Shiu Finnegan writes that Mr. Nguyen "has always displayed his true characteristics; honorable, trustworthy, family oriented, selfless, and respectful. Tony was always known to help out family and friends in times of need. He would always put others before

himself. While I was going through a challenging time in my life, Tony was always supportive and uplifted me.” *Id.* Finnegan letter. Michael Hua, who grew up with Mr. Nguyen, witnessed many times when Tony showed a great character of compassion, loyalty and selflessness. *Id.* Hua letter.

Tien Nguyen, Mr. Nguyen’s supervisor at BLogic Systems, described an incredibly hard-working, dedicated, and model employee: “I want to begin by emphasizing just how reliable and hardworking Tony is. Throughout his time with us, he has consistently displayed an exceptional work ethic and an unwavering dedication ... I have never known him to be late or miss a deadline or quota, and his commitment to his work is truly inspiring. But what truly sets Tony apart is his persistence and determination. No matter the obstacles he faces, he tackles them head-on with an unwavering spirit. It is this relentless pursuit of success that has allowed him to overcome challenges and achieve remarkable results. His tenacity is not only admirable but also serves as a motivation to those around him.” *Id.* T. Nguyen letter.

All of the letter writers describe a dedicated father who has changed his priorities since the birth of his son and has devoted himself to his family. Whitney La, Mr. Nguyen’s best friend who has known him since high school writes that “I’ve seen him change drastically ever since his son, Grey, was born. He is a very dedicated father figure he can be for his child, something that was absent in his own life.” *Id.* La letter. Quyen Tran writes that Mr. Nguyen has consistently put his child's needs first, ensuring that his child will have a stable home environment and providing for his child’s needs. Tony has turned his life around and has taken steps to become the kind of father his son deserves, one who will guide him and teach him valuable life lessons.” *Id.* Tran letter. Francine Nguyen writes that Tony has been nothing short of

a positive and present father to his son. I can confidently say that all of his decisions are made with his son's safety, health, and future in his best interest. I have witnessed Tony's humility, honor, compassion, and sincerity flourish.” *Id.* F. Nguyen letter.

The letter writers collectively describe a fundamentally good, caring, and compassionate person who has made a few uncharacteristically bad choices in life. A person who has rededicated himself to applying all of those admirable qualities to the hands-on raising of a young son.

Mr. Nguyen is 37 years-old and will be over 45 when he completes his sentence. He will have aged out of the drug distribution business. He is very unlikely to reoffend. A comprehensive Sentencing Commission study noted that older offenders who served time in federal prisons for drug-related crimes were significantly less likely to reoffend. See *The Effects of Aging on Recidivism Among Federal Offenders*, available at <https://www.ussc.gov/research/research-reports/effects-aging-recidivism-among-federal-offenders> (“Age exerted a strong influence on recidivism across all sentence length categories. Older offenders were less likely to recidivate after release than younger offenders who had served similar sentences, regardless of the length of sentence imposed. ... [T]he type of federal offense that offenders had committed also had an effect on recidivism across age groups ... for offenders under age 30 at the time of release, the rearrest rates were ... 62.5 percent (drug trafficking) ... for offenders age 60 and older at the time of release, the rearrest rates were 17.5 percent (drug trafficking)”) (parentheses in original).

The court should have confidence that Mr. Nguyen has the motivation, the desire, the capacity, and the support network to continue to lead a responsible and law abiding life, driven

by what is best for his family and friends. For all of those reasons, the minimum sentence the court is required to give is the appropriate sentence.

TONY NGUYEN

By his attorney,

/s/ E. Peter Parker

E. Peter Parker

B.B.O. #552720

Law Office of E. Peter Parker

The Wheelhouse at Bradford Mill

Concord, MA 01742

(617) 742-9099

peter@parkerslaw.com

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 23, 2024.

/s/ E. Peter Parker

E. Peter Parker